

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

AMERICAN HOSPITAL ASSOCIATION, et al.,

Plaintiffs,

v.

XAVIER BECERRA, et al.,

Defendants,

Case No. 23-CV-1110-P

**DEFENDANTS' CONSENT MOTION FOR AN EXTENSION OF BRIEFING  
SCHEDULE ON PARTIES' CROSS-MOTIONS FOR SUMMARY JUDGMENT**

Defendants Xavier Becerra, in his official capacity as Secretary of Health and Human Services; Melanie Fontes Rainer, in her official capacity as Direct of Office for Civil Rights, U.S. Department of Health and Human Services; and the United States of America respectfully request that the Court extend all deadlines for the parties' cross-motions for summary judgment by 30 days to enable the parties to discuss a potential resolution of the matter without the need for further briefing or intervention of the Court. Consistent with the "duty of courtesy and cooperation," *Dondi Props. Corp. v. Comm. Sav. & Loan Ass'n*, 121 F.R.D. 284, 287 (N.D. Tex. 1988) (en banc), and Local Civil Rule 7.1(a), counsel for Defendants conferred with counsel for Plaintiffs, who represent that Plaintiffs consent to the requested relief.

Good cause supports this motion. Plaintiffs filed their complaint in this action on November 2, 2023. *See* ECF No. 1. On December 8, 2023, the parties jointly requested that the Court excuse Defendants from the requirement of filing a responsive pleading to Plaintiffs' Complaint and instead set a briefing schedule for cross-motions for summary judgment. *See* ECF

No. 20. The Court granted that motion but modified the parties' proposed briefing schedule. *See* ECF No. 22. Under the briefing schedule set by the Court, Plaintiffs' motion for summary judgment was due on January 5, 2024; any briefs of amici curiae in favor of Plaintiffs' position were due on January 12, 2024; Defendants' opposition and cross-motion for summary judgment is due on January 30, 2024; any briefs of amici curiae in favor of Defendants' position are due on February 6, 2024; Plaintiffs' reply is due on February 20, 2024; and Defendants' reply is due on March 12, 2024.

The parties have begun discussing a potential resolution of this matter without the need for further briefing or intervention of the Court, and respectfully request additional time to enable those discussions to progress, particularly in light of the January 30, 2024 deadline for Defendants' opposition and cross-motion for summary judgment. Accordingly, Defendants seek a 30-day extension of all remaining deadlines under the briefing schedule for the parties' cross-motions for summary judgment, to which Plaintiffs consent.

On that basis, Defendants propose the following modified schedule for the remainder of the briefing on the parties' summary judgment motions, if necessary:

- February 29, 2024: Defendants' combined opposition and cross-motion for summary judgment and certification of the administrative record;
- March 7, 2024: Any briefs of amicus curiae in support of Defendants' position;
- March 21, 2024: Plaintiffs' combined reply and opposition to Defendants' motion for summary judgment;
- April 11, 2024: Defendants' reply.

Certificate of Conference: On January 26, 2024, Chetan A. Patil, counsel for Defendants, conferred with Hashim M. Mooppan, counsel for Plaintiffs, via email regarding the relief requested in this Motion. Mr. Mooppan represented via email that Plaintiffs consent to the requested relief.

Respectfully submitted,

Dated: January 26, 2024

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/s/ Chetan A. Patil  
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